



FLOOR AMENDMENT NO. _____

BY: D. Juu

1 Amend C.S.H.B. No. 40 (house committee printing) by striking
2 page 2, line 25, through page 3, line 11, and substituting the
3 following:

4 (c) The authority of a municipality or other political
5 subdivision to regulate an oil and gas operation is expressly
6 preempted, except that:

7 (1) a municipality may enact, amend, or enforce an
8 ordinance or other measure that:

9 (A) regulates only aboveground activity related
10 to an oil and gas operation that occurs at or above the surface of
11 the ground, including a regulation governing fire and emergency
12 response, traffic, lights, or noise, or imposing notice or
13 reasonable setback requirements;

14 (B) is commercially reasonable;

15 (C) does not effectively prohibit an oil and gas
16 operation conducted by a reasonably prudent operator; and

17 (D) is not otherwise preempted by state or
18 federal law; and

19 (2) a municipality or other political subdivision may
20 enact, amend, or enforce an ordinance or other measure that bans,
21 limits, or otherwise regulates an oil and gas operation that
22 affects property owned or managed by the municipality or other
23 political subdivision, including a utility facility, park, golf
24 course, or road.